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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,521	09/10/1999	NAOYUKI MATSUMOTO	35.G0708C/D2	4346

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NEW YORK, NY 10112

EXAMINER

POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 12/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/394,521

Applicant(s)

MATSUMOTO, NAOYUKI

Examiner

Joseph R. Pokrzywa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 07/889,199.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/17/03 has been entered.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 07/889,199, filed on October 21, 1992.

Response to Amendment

3. Applicant's amendment received on 8/26/03 has been entered and made of record. Currently, **claims 25-31** are pending.

Response to Arguments

4. Applicant's arguments with respect to **claims 25 and 29** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 25-31** are rejected under 35 U.S.C. 102(e) as being anticipated by Yokota *et al.* (U.S. Patent Number 5,598,533)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding **claim 25**, Yokota discloses a method (see Figs. 1 and 6) of controlling a data communication apparatus (facsimile) in a data processing system (seen in Fig. 1) that includes the data communication apparatus (facsimile) and a host computer (personal computer) connected to the data communication apparatus by an interface (command and printer ports 30, 32, and 35, see Fig. 1, column 4, lines 47 through 55), with the method comprising a communication step of communicating commands from the host computer to the data communication apparatus through an interface (column 4, line 56 through column 5, line 25), wherein the data communication apparatus (facsimile, see Fig. 1) is comprised of units including

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a scanner (image scanner 22, column 3, lines 37 through 45), a printer (23, column 3, lines 37 through 45), a storage unit (memory 27, column 3, lines 37 through 45), a line (25, see Fig. 1), and a logic ID unit (touch panel 21, column 3, lines 37 through 45, column 6, lines 55 through 66, and column 10, lines 29 through 48), a checking step of checking, upon receipt of the commands by units of the data communication apparatus operating conditions of the data communication apparatus (column 5, lines 1 through 7, column 6, lines 9 through 47, and column 9, line 64 through column 10, line 35), a determination step of determining which units of the data communication apparatus the commands are issued to (column 5, lines 1 through 15, column 6, lines 9 through 54, and column 9, line 11 through column 14, line 46), and a notification step of notifying the host computer of the operating conditions in accordance with the commands from the host computer (column 5, lines 1 through 18, column 6, lines 9 through 47, and column 9, line 64 through column 10, line 35, seen in step S19 of Fig. 7B).

Regarding **claim 26**, Yokota discloses the method discussed above in claim 25, and further teaches that the notification step notifies the host computer of operating conditions comprising a change in status or internal state of the data communication apparatus (column 5, lines 1 through 18, column 6, lines 9 through 47, and column 9, line 64 through column 10, line 35, seen in step S19 of Fig. 7B).

Regarding **claim 27**, Yokota discloses the method discussed above in claim 25, and further teaches that the notification step notifies the host computer of the operating conditions in accordance with a command from the host computer (column 5, lines 1 through 18, column 6, lines 9 through 47, and column 9, line 64 through column 10, line 35, seen in step S19 of Fig. 7B).

Regarding **claim 28**, Yokota discloses the method discussed above in claim 25, and further teaches that the data communication apparatus is included in a facsimile apparatus (facsimile, see abstract, Fig. 1, and column 3, lines 10 through 45).

Regarding **claim 29**, Yokota discloses a method (see Figs. 1 and 6) of controlling a data processing apparatus (facsimile) in a data processing system (seen in Fig. 1) that includes the data processing apparatus (facsimile) and a host computer (personal computer), the data processing apparatus and the host computer being connected to each other through an interface (through command and printer ports 30, 32, and 35, see Fig. 1, column 4, lines 47 through 55), and the data processing apparatus (facsimile) being able to communicate with another device through a network without using the interface (through fax controller 24, column 3, lines 37 through 45), with the method comprising a command reception step of receiving by the data processing apparatus, commands from the host computer through an interface (column 4, line 56 through column 5, line 25), wherein the data communication apparatus (facsimile, see Fig. 1) is comprised of units including a scanner (image scanner 22, column 3, lines 37 through 45), a printer (23, column 3, lines 37 through 45), storage unit (memory 27, column 3, lines 37 through 45), a line (25, see Fig. 1), and a logic ID unit (touch panel 21, column 3, lines 37 through 45, column 6, lines 55 through 66, and column 10, lines 29 through 48), a determination step of determining units of the data communication apparatus that the commands are issued to (column 5, lines 1 through 15, column 6, lines 9 through 54, and column 9, line 11 through column 14, line 46), and a notification step of notifying the host computer of information in accordance with the commands received in the command reception step through the interface (column 5, lines 1 through 18, column 6, lines 9 through 47, and column 9, line 64 through column 10, line 35, seen

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in step S19 of Fig. 7B), wherein the information comprises information regarding which units of the data communication apparatus the commands are issued to (column 4, line 56 through column 5, line 18, and column 6, lines 33 through 54).

Regarding **claim 30**, Yokota discloses the method discussed above in claim 29, and further teaches that the notification step notifies the host computer of a model type and a model version in one set (column 9, line 49 through column 10, line 35, and column 11, line 52 through column 12, line 53).

Regarding **claim 31**, Yokota discloses the method discussed above in claim 29, and further teaches that the data processing apparatus is included in a facsimile apparatus (facsimile, see abstract, Fig. 1, and column 3, lines 10 through 45).

Citation of Pertinent Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Satake (U.S. Patent Number 5,196,944) discloses a facsimile apparatus that can act as a remote terminal for remote maintenance.

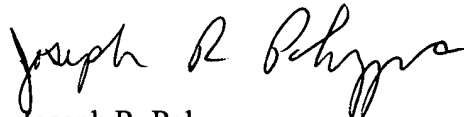
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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Joseph R. Pokrzywa
Examiner
Art Unit 2622

jrp